

IN THE CIRCUIT COURT OF UNION COUNTY, ARKANSAS
CIVIL DIVISION

ADAM DAVIS, JR.

PLAINTIFF

VS.

70
NO. CV-2016-15-6

WEST FRASER, INC.

DEFENDANT

COMPLAINT

COMES NOW, ADAM DAVIS, JR., Plaintiff by and through his attorney or record, David P. Price, complaining of Defendant WEST FRASER, INC., and for purposes of his Complaint would respectfully show the Court and Jury as follows:

1. Plaintiff ADAM DAVIS, JR. is a resident of 308 Caswell Ave., Bogalusa, Washington Parish, Louisiana.
2. Defendant WEST FRASER, INC. is a corporation doing business in Huttig, Union County, Arkansas. Service of process may be made on this defendant through its registered agent, The Corporation Company, 124 West Capitol Avenue, Suite 1900, Little Rock, AR 72201.
3. Upon proper service of the Defendant this Court has jurisdiction and venue is proper.
4. Plaintiff ADAM DAVIS, JR. brings this suit to recover for personal injuries and damages sustained by him in an accident on industrial premises when he was struck from behind by a forklift which was operated by an employee of WEST FRASER, INC.. said accident was proximately caused by Defendant's negligence.

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BY [Signature] D.C.

5. On or about March 18, 2010, Plaintiff ADAM DAVIS, JR. was working as a truck driver for Kentwood Brick and was on the premises at the West Fraser Lumber Company in Huttig, Union County, Arkansas, to pick up a load of lumber. Defendant WEST FRASER, INC. was providing the lumber. Plaintiff, ADAM DAVIS, JR., was standing outside of his truck talking to another driver when suddenly and without warning, a forklift driver for WEST FRASER, INC. came around the corner and hit Plaintiff ADAM DAVIS, JR. knocking Plaintiff to the ground. The name of the driver of the WEST FRASER, INC. forklift, is unknown. Plaintiff ADAM DAVIS, JR. remained on the ground until First Responders arrived and transported Plaintiff to South Arkansas Medical Center. Defendant's negligence caused serious injuries and damages to Plaintiff, which will be described further herein.

6. Plaintiff will show that the acts and /or omissions of negligence of Defendant WEST FRASER, INC., as set out herein, separately and collectively, were the direct and proximate cause of the injuries and damages sustained by Plaintiff ADAM DAVIS, JR.. The acts and omissions of negligence among others are as follows:

- a. In failing to exercise ordinary care in the hiring of competent employees;
- b. In failing to exercise ordinary care in the supervision and management of employees;
- c. In failing to properly investigate potential job applicants;
- d. In failing to implement adequate safeguards to prevent the situation that resulted in Plaintiff's damage, and
- e. In failing to provide adequate oversight for employees which proximately caused the damages sustained by Plaintiff ADAM DAVIS, JR. herein.

Each of these acts and omissions, taken singularly or in combination with others constitutes negligence and was the direct and proximate cause of the injuries and damages sustained by Plaintiff.

7. At the time of the occurrence of the act in question and immediately prior thereto, the driver of the forklift was within the course and scope of employment for Defendant WEST FRASER, INC.. At the time of the occurrence of the act in question and immediately prior thereto, the driver was engaged in the furtherance of Defendant WEST FRASER, INC.'s business.

8. At the time of the occurrence of the act in question and immediately prior thereto, the forklift driver was engaged in accomplishing a task for which he was employed.

9. Plaintiff invokes the doctrine of Respondeat Superior as against Defendant WEST FRASER, INC..

10. As a direct result of Defendant's negligence, Plaintiff ADAM DAVIS, JR. suffered severe injuries to multiple parts of his body, namely to his upper and lower back, left ribs, left hip and left leg. Plaintiff ADAM DAVIS, JR. sought medical attention for treatment of his injuries at Medical Center of South Arkansas. Plaintiff ADAM DAVIS, JR. has experienced physical pain and mental anguish in the past and will, in all reasonable probability, continue to do so well into the future by reason of the nature and severity of his injuries. Plaintiff has incurred reasonable medical charges and expenses in the past for necessary medical treatment and will continue to incur medical charges and expenses in the future as a result of his injuries. Plaintiff has lost earnings in the past and will continue to incur loss of earning capacity in the future as a result of his injuries. Plaintiff has suffered mental anguish in the past and will continue to suffer mental anguish in the future as a result of his injuries.

11. By reason of the above and foregoing injuries and damages, Plaintiff meets the minimal jurisdictional requirements of this Court.

WHEREFORE, plaintiff prays for judgement against defendant in an amount in excess of that required for federal jurisdiction in diversity of citizenship cases; court costs, and all other proper relief that he is otherwise entitled to as a matter of law.

Respectfully submitted,

Adam Davis, Jr., Plaintiff

By: 
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